IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1583 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18/06/2004 in WP NO : 6751 OF 2004 on the file of the High Court.)

Between:

The Government of Andhra Pradesh, Panchayat Raj Department,

R.W.S.Division, Sangareddy, Sadasivapet, Medak District repby

its Executive Engineer (P.R.) Sri M.Subhas Reddy

..... APPELLANT

AND

1. The Authority Under Payment of wages Act, 1936 & The

Asst.Commissioner of labour, Sangareddy, medak District
2 C.Nagisetty, Veersetty C/o Shaik Dada, Working President,

A.P.Work charged Employees State Union,
Latha Complex, Opp.New Bus Stand, Sangareddy, Medak

District
3 Papaiah, S/o C/o Shaik Dada, Working President, A.P.Work

charged Employees State Union, Latha Complex, Opp.New Bus

Stand, Sangareddy, Medak District
4 T.Kasinath, S/o Narsappa C/o Shaik Dada, Working President,

A.P.Work charged Employees State Union,
Latha Complex, Opp.New Bus Stand, Sangareddy, Medak

District
5 T.Nagender, S/o T.Manikyam, C/o Shaik Dada, Working

President, A.P.Work charged Employees State Union,
Latha Complex, Opp.New Bus Stand, Sangareddy, Medak

District
6 T.Mallikarjun, S/o T.Manikyam, C/o Shaik Dada, Working President, A.P.Work charged Employees State Union, Latha Complex, Opp.New Bus Stand, Sangareddy, Medak District
7 T.Ravinder, S/o Kistappa C/o Shaik Dada, Working President,

A.P.Work charged Employees State Union,
Latha Complex, Opp.New Bus Stand, Sangareddy, Medak

District

.....RESPONDENTS

Counsel for the Appellant :MR.P.NAGESWAR SREE

Counsel for the Respondent No.1 .: GP FOR LABOUR

Counsel for the Respondent Nos 2 to 7: -----

The Court at the admission stage made the following :

ORDER: (Per the Honourable Smt. Justice T.Meenakumari)

This writ appeal is filed by the writ petitioner-appellant aggrieved by the order in W.P.No:6751 of 2004 passed by the learned single Judge on 18th June, 2004.

The writ petition is filed by the writ petitioner seeking to call for the records and set aside the proceedings in P.W. case No:4 of 2003 on the file of the Authority under Payment of Wages Act cum Assistant Commissioner of Labour, Sangareddy and to direct not to proceed with the matter further.

The learned single Judge has chosen to dismiss the writ petition on the ground that there is no lack of jurisdiction in the 1st respondent warranting exercise of jurisdiction by this Court, against which the present appeal is preferred by the writ petition.

Heard the learned counsel for the appellant and Mr.N.Ashokkumar for R-1.

It is contended by the learned counsel for the appellant that as per the provisions of section 1 (6) of the Payment of Wages Act, the Act will not apply to the unofficial respondents as their monthly wages exceed Rs.1,600/-. It is further

contended that the material available annexed in the material papers in the writ petition, has disclosed that the salary of the unofficial respondents, is above Rs.2,500/- p.m., but however, the learned single Judge has not taken into consideration this aspect.

In view of the fact that there is no representation before the learned single Judge, on behalf of the unofficial respondents, We deem it proper to remand the matter to the 1st respondent. However, the writ petitioner-appellant herein is at liberty to raise the objection before the 1st respondent-authority with regard to the question of jurisdiction and the same may be considered in accordance with law before proceeding with further enquiry, after affording an opportunity to both the parties.

Accordingly, this writ appeal is disposed of. No costs.

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Justice T.Meenakumari

6th December, 2004

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justice S.Ananda Reddy

Gurc.

To

1. The Government of Andhra Pradesh, Panchayat Raj Department, R.W.S.Division, Sangareddy, Sadasivapet, Medak District rep by its Executive Engineer (P.R.) Sri M.Subhas Reddy .
2. The Authority Under Payment of wages Act, 1936 & The Asst.Commissioner of labour, Sangareddy, medak District
3. Two CCs to the GP for Labour, High Court Buildings, Hyderabad.(OUT)
4. CD copies.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A.No:1583 of 2004

(order pronounced by Smt. Justice T.Meenakumari)

6th December, 2004